

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DIANNAH LEYVA,

Plaintiff,

v.

No. 1:24-cv-00083-DHU-JHR

TEVIN BEAVERS,  
BEAVERS CREEK TRANSPORT, LLC, and  
NATIONAL FIRE & MARINE INSURANCE COMPANY,

Defendants.

**ORDER BIFURCATING THE PROCEEDINGS AND STAYING  
DISCOVERY AS TO NATIONAL FIRE & MARINE INSURANCE COMPANY**

This matter came before the Court on Defendant National Fire & Marine Insurance Company's ("National") Unopposed Motion for Bifurcation and Stay (ECF No. 18). The Court, having reviewed the Motion and being otherwise advised on this matter, FINDS and ORDERS:

1. National is joined in this case as a nominal party under *Raskob v. Sanchez*, 1998-NMSC-045. None of the allegations contained in Plaintiff's *Complaint for Damages* are directed to National. Therefore, any proceedings against National should be bifurcated from the proceedings against Defendants Tevin Beavers and Beavers Creek Transport, LLC.

2. The relief sought herein is mandated by *Martinez v. Reid*, 2002-NMSC-015, ¶ 23, *Sena v. New Mexico State Police*, 1995-NMCA-003, ¶¶ 22, and *Sutherlin v. Fenenga*, 1991-NMCA-011, *cert. denied*, 111 N.M. 678 (1991).

3. The interest of judicial economy will be served by staying all proceedings as to National until further order of this Court.

4. Evidence that Defendants Tevin Beavers and Beavers Creek Transport, LLC are or are not insured against liability is not admissible at trial upon the issue of whether they acted

negligently or otherwise wrongfully. Further, the identity of National and the existence of an insurance policy shall not be disclosed to the jury subject to the applicable Federal Rules of Civil Procedure and Rules of Evidence.

5. Discovery directed to National shall be stayed with the following exceptions. Insofar as National has any of the following in its possession, custody, or control, it shall produce the following:

- a. All recordings and/or transcripts of witness statements, including parties and witnesses to the subject accident, obtained by National during its pre-suit investigation;
- b. All police incident reports and supplemental reports.
- c. All property damage estimates concerning any vehicle involved in the subject accident;
- d. All photographs and videos depicting property damage of any vehicle involved, the accident location, and any injuries sustained by any party, obtained by National during its pre-suit investigation; and
- e. A copy of the insurance policy and declarations page issued by National that is applicable in this case.

6. This Order shall not be construed as obligating National to produce status reports or other work product of tendered defense counsel prepared during the defense of Tevin Beavers and Beavers Creek Transport, LLC.

7. National shall not be obligated to produce any other information not identified above, respond to any written discovery requests propounded upon it, or otherwise participate in “discovery” unless the parties agree otherwise or upon further order of this Court.

8. National shall not be obligated to file an answer or otherwise respond to the Complaint until further order of this Court.

9. Following entry of this Order, counsel for National shall not be obligated to appear for hearings or mediation unless expressly otherwise directed by this Court.

IT IS THEREFORE ORDERED that:

1. All proceedings against National are hereby bifurcated from the proceedings against Defendants Tevin Beavers and Beavers Creek Transport, LLC.

2. Evidence that Defendants Tevin Beavers and Beavers Creek Transport were or were not insured against liability is not admissible at trial upon the issue of whether they acted negligently or otherwise wrongfully.

3. The identity of National shall not be disclosed to the jury during the trial of Plaintiff's tort claims against Defendants Tevin Beavers and Beavers Creek Transport, LLC.

4. Except as outlined above, the proceedings as to National, including discovery and the obligation to file an Answer or otherwise respond to the Complaint, are stayed until further order of this Court.

IT IS SO ORDERED.

  
**HONORABLE JERRY H. RITTER**  
**U.S. MAGISTRATE JUDGE**

Submitted and approved by:

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